

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. 1:21 CR 529       |
|                           | ) |                            |
| Plaintiff                 | ) | JUDGE SOLOMON OLIVER, JR.  |
|                           | ) |                            |
| v.                        | ) | ORDER ACCEPTING PLEA       |
|                           | ) | AGREEMENT, JUDGMENT AND    |
| JOSE JAVIER SANTOS,       | ) | REFERRAL TO U.S. PROBATION |
|                           | ) | <u>OFFICE</u>              |
| Defendant                 | ) |                            |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Amanda M. Knapp, regarding the change of plea hearing of Jose Javier Santos, which was referred to the Magistrate Judge with the consent of the parties.

On July 14, 2019, the government filed a 1 count Indictment, charging Defendant Santos with Possession with Intent to Distribute Cocaine. On July 28, 2021 the government filed a Superseding Indictment, charging Defendant with Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), and Possession with Intent to Distribute Marijuana, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D). Defendant was arraigned on the superseding charges on August 5, 2021, and entered a plea of not guilty to counts 1, 2 and 3 of the Superseding Indictment, before Magistrate Judge Carmen E. Henderson. On February 2, 2022, Magistrate Judge Knapp received Defendant Santo's plea of guilty to counts 1, 2 and 3 of the Superseding Indictment, with a written plea agreement, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after

it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Santos is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Jose Javier Santos is adjudged guilty to counts 1, 2 and 3 of the Superseding Indictment, in violation of Title 21 U.S.C. § 841(a)(1), (b)(1)(C), and (b)(1)(D) . This matter was referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on May 27, 2022, at 11:00 a.m. in Courtroom 19A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

UNITED STATES DISTRICT JUDGE

March 8, 2022